

# Court of Appeals, State of Michigan

## ORDER

People of MI v Erin Frederick Bush

Docket No. 290607

LC No. 09-000206-FC

Mark J. Cavanagh  
Presiding Judge

Richard A. Bandstra

Jane M. Beckering  
Judges

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The Court, acting under MCR 7.203(F)(2), orders that the motion for reconsideration is DENIED. We reject defendant's invitation to invoke our equitable power to in effect nullify the general rule of MCR 6.502(G)(1) against a defendant appealing the denial of a successive motion for relief from judgment. See *Ameriquist Mortgage Co v Alton*, 273 Mich App 84, 99; 731 NW2d 99 (2006) (a court's equitable power is not a license to engage in wholesale policymaking). Further, appellant's argument regarding the circuit court's alleged failure to follow the "procedure" of MCR 6.502(G) ignores that the February 3, 2009, order denying his motion for a new trial must be treated as the denial of a motion for relief from judgment subject to the strictures of subchapter 6.500 of the Michigan Court Rules because it was entered after the judgment of sentence was no longer subject to direct appellate review. MCR 6.501.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAY 27 2009

Date

*Sandra Schultz Mengel*  
Chief Clerk